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EXAMINER

PHAM, HUNG Q

ART UNIT PAPER NUMBER

2172

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16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,239

Applicant(s)

KUMAGAI ET AL.

Examiner

HUNG Q PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-15, 17-28, 30, 32-33, 36-37, 39-40 and 43-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-15, 17-28, 30, 32-33, 36-37, 39-40 and 43-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicants' request with respect to the objection of claim 8, and the rejection of claims 43-45 has been considered. Claims 8 and 43-45 were corrected and the objection of claim 8 and the rejection of claims 43-45 have been withdrawn.

2. Applicant's arguments, with respect to the claims rejection - 35 USC 112 of claim 30 have been fully considered and are persuasive. The rejection of claim 30 has been withdrawn.

3. Applicant's arguments with respect to the claims rejection - 35 USC 112 of claim 36 have been fully considered but they are not persuasive. As cited by applicants, ... *if the storage capacity of the user side is not sufficient and therefore the user erases, for example, certain contents data, only if the right of the contents data is kept, then the user can receive supply of the contents data from the distribution apparatus side without purchasing the contents data newly* (specification, page 11, lines 3-8). The cited page and lines of the specification above does not have the claimed *content ID is placed in said purchase information* as a condition in order to *receive supply of the contents data from the distribution apparatus side without purchasing the contents data newly*. Thus, the claims rejection - 35 USC 112 of claim 36 is maintained.

4. As argued by applicants with respect to the claims rejection - 35 USC 103 of claims 1, 8-12 and 14 on pages 21-23, claims 2-4 on pages 24-25, claims 5-6 on page 26-29, claims 13, 15, 18 and 22-26 on pages 29-31:

It is respectfully submitted, however, that Srinivasan does not suggest or disclose control means for accessing of information on the first and second storage means based on a single set of management information for managing the content information, as recited in amended independent claims 1 and 14.

The Office Action cites the disclosure in Srinivasan of user credit card information, session ID, or member ID as disclosing a single set of management information (see Office Action, p. 5, Ins. 13-21).

It is submitted, however, that the user credit card information of Srinivasan is used to authenticate the user and to allow access to the server (see Srinivasan, col. 4, Ins. 21-39). The credit card information is not content management information and is not used in managing the content of the first and second storage means.

As understood by Applicants, the session ID of Srinivasan is generated by the server at the start of a new session, and is passed to the browser (see id., col. 5, Ins. 13-37). The session ID is stored in the server against a member ID or credit card information and is used for billing the user (see id.). It is submitted that the session ID is not used for management of the content of the first and second storage means, and that billing the user does not suggest or disclose management of the content.

Furthermore, the session ID, member ID, and credit card information do not manage content information stored in first storage means.

Examiner respectfully traverses because of the following reasons:

In order to establish contact with the data network and the provider's website, a web browser is installed in the user interface at the client, and included a plugin specially designed to administer a number of the processes (Col. 4, Lines 40-50). To begin the process for recording a data file, a connection with the server 10 established. A session ID is generated and stored in the server against a member ID or credit card information for later billing (Col. 5, Lines 13-24). Once the driver software and the recording device are ready, a request is sent to download the desired data from the server by the plugin. This request may include session ID, type of user interface. If the request is accepted, the server will locate the data file in the database and then begin transmission over the Worldwide Web (Col. 5, Lines 46-59). Once the entire data file is

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downloaded and stored in the hard drive, the plugin will send a message to the recorder driver software to start the recording process. At this time, the temporary file in memory 34 will be uncompressed and unencrypted. The media recorder driver software will then be provided with the name of the hidden temporary file stored on the hard drive and the driver software will then transfer the contents of the hidden temporary file to the portable media (Col. 6, Lines 19-27). As seen, the plugin administers the process of downloading desired data by sending a request that has session ID to the server, and if the request is accepted, data file in the database will be located. The downloaded file is stored temporarily in memory 34, and the plugin will start the recording process by providing the name of the temporary file to media recorder driver software for recording into the portable media. In the process of accepting the request data includes session ID, obviously, session ID has to be checked against the generated session ID in the server. Thus, the plugin as a means for reading data from the server, and writing into the portable media based on a set of management information includes session ID, and the name of the temporary file for conducting the process of locating desired data in the server and recording into the portable media. In different words, the technique as discussed indicates a *control means for accessing said content information stored in said first storage means and said second storage means based on a single set of management information for managing said content information stored in said first storage means and said second storage means.*

5. As argued by applicants on pages 26 and 31 that neither Wiser or Srinivasan discloses or suggests *accounting setting means for setting an amount of a fee to be imposed on a user in accordance with a capacity of use of the second storage means by the user*, and

It is submitted that there is no suggestion or disclosure tat either the charges or the estimated recording time are in any way correlated to each other or to a capacity of use of the storage means, as stated by the Office Action.

Examiner respectfully traverses because a capacity of use of the second storage means is an amount, or a number that relates to the usage of the storage means. As disclosed by Srinivasan, data for downloading also contain information related to the charges and the time it may take to record the data (Col. 4, lines 35-39). Obviously, more of requested data increase time of using the server for downloading, also the charge imposed on the user. Thus, the charge imposed on a user increases in accordance with a capacity of use of the server, or *an amount of a fee to be imposed on a user in accordance with a capacity of use of the second storage means by the user*.

6. In response to applicant's argument on pages 23-24 that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *the control means of the present invention accesses the content information based on a single set of management information*. As stated in the specification of the present invention, the table of contents (TOC) is structured such that the TOC contents for management of contents data stored on each of the apparatuses...) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the

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specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

7. As argued by applicants on page 32 lines 12-24 with respect to claim 15 about the purpose of using the *address representative of a storage location of said content information*. Examiner respectfully traverses because after the step of obtaining an *address representative of a storage location of said content information*, the further step such as storing into the storage means of the distribution apparatus as management information, or sending out with the voucher is optional. In addition, as discussed above, the plugin administers the process of reading data from the server, and writing into the portable media based on a set of management information includes session ID, and the name of the temporary file. Obviously, the address could be stored as management information to include in the bill for the billing process after the completion of downloading as disclosed by Srinivasan on Col. 7, Lines 55-63.

8. As argued by applicants on pages 33-34 with respect to claims 17 and 19, examiner respectfully traverses with the reasons as discussed in claims 2-4 as set forth above.

9. As argued by applicants on pages 35-36 with respect to claims 20 and 21, examiner respectfully traverses with the reasons as discussed as set forth above.

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10. As argued by applicants on page 37 with respect to claim 30:

Regarding the rejection of claim 30, it is respectfully submitted that Wiser et al. does not suggest or discloses selection means for selecting one content ID of the plurality of content IDs received by the communication means, wherein the control means controls the communication means to transmit the selected content ID to the distribution apparatus.

Examiner respectfully traverses because of the following reasons:

As shown in FIG. 8 is an example of web page for selecting a preview or purchase.

Previewing begins with the user viewing a Web page in the Web browser that has a link to a preview of a desired media data file. The Web browser invokes the HTTP server with a request for a preview of a media data file when clicked (Col. 14, lines 40-47). As seen, by using HTTP to communicate between the client system and the music distribution center 124, a web page contains a list of song titles as content IDs is received at the client system by utilizing the web browser. The user could select a song title for previewing or purchasing via the web browser. The request of previewing or purchasing is transmitted to the music distribution center 124 by using a link to invoke the HTTP server for transferring the request. In other words, the technique of using HTTP as discussed indicates *a communication means*, and the web page as in FIG. 8 as *selection means for selecting one content ID of said plurality of content IDs received by said communication means*. Returning to FIG. 8, by mouse clicking *Buy* box, a purchase request for a specific song is sent to the HTTP server. The button generates a URL including the media ID of the song to be purchased (Col. 16, Lines 27-43). As seen, again HTTP is invoked to transmit said at least one content ID to music distribution center as *distribution apparatus*, and the *Buy* button, or *Click Here for Free Preview* button in FIG. 8 indicates a *control means for controlling said communication*

means to transmit said at least one content ID to said distribution apparatus in response to said user request.

11. As argued by applicants on page 38 with respect to claim 36:

... Wiser et al. does not disclose or suggest accounting setting means hat does not set an amount of the fee to be imposed on the terminal apparatus when the content ID is placed in the purchase information and the content information corresponding to the content ID stored in the second storage means is accessed by the access control means...

Examiner respectfully traverses because of the following reasons:

As disclosed by Wiser, a media voucher is an object that is used to control the purchase and preview of media data files. For each purchase or preview of a media data file, a new media voucher is created by the content manager and provided to the media player of the user (Col. 8, Lines 19-23). A media voucher includes a unique voucher ID, and a media ID that uniquely identifies the media data file. The voucher ID limits the use of the media voucher to a single purchase or preview transaction (Col. 8, Lines 28-32). A delivery server is responsible for receiving requests from a media player to preview or purchase a media data file containing audio data, and to deliver the requested media data file or portion thereof as a preview by real time streaming of the content of the audio data for immediate playback at the media player (Col. 9, Lines 54-67). A purchase request for a specific song is sent to the HTTP server, for example by the user clicking on *Buy It* button (Col. 16, Lines 34-37) and payment is collected (Col. 16, Lines 4-60). As seen, the media ID as *content ID* is placed together with a voucher ID as *purchase information* in a voucher. During a preview, portion of media data file as *content information corresponding to said content ID stored in said second*

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storage means is accessed for delivering to media player, and obviously, because this is not a purchase, a charge to be imposed on the media player will not be set. In other words, the Wiser technique as discussed indicates *accounting setting means does not set said amount of said fee to be imposed on said terminal apparatus when said content ID is placed in said purchase information and said content information corresponding to said content ID stored in said second storage means is accessed by said access control means.*

12. Claim 43 was amended by using a single table of contents to store management information, applicants' arguments on pages 38-39 with respect to claim 43 have been fully consider but they are not persuasive.

As shown in FIG. 1 is a system for the secure distribution of music and related media over the Internet. The system includes a music distribution center 124, which operates with any number of client systems 126 as *a terminal apparatus*. The client system has media player for storing media data files onto a recordable CD (FIG. 1A, Col. 25, Lines 50-55) as *third storage medium for storing a plurality of pieces of content information*. The music distribution center 124 includes a content manager 112 as a *server apparatus*, which maintains a media information database 106 as *a first storage medium for storing a plurality of pieces of content information* (Col. 5, Lines 52-53 and Col. 10, Lines 55-58). In side music distribution center 124 is delivery server 118 for delivering media data from Master Media Files 120 to user via media player (FIG. 1, Col. 9, Lines 54-56). If the delivery servers are outside the music distribution center, they operate independently and externally to a music distribution center 124, and

interface with it to provide the same functionality as its local complementary components (Col. 5, Lines 60-65). As shown in FIG. 2 is an illustration of a media data file that stored in Master Media Files 120 (Col. 6, Lines 48-52). As seen, if a delivery server is an external server, it will have its own storage device for media data file as *second storage medium provided in said distribution terminal apparatus for storing said plurality of pieces of content information.*

In order to control the purchase and preview of media data files, a media voucher is used. For each purchase or preview of a media data file, a new media voucher is created by the content manager and provided to the media player of the user and used by the media player to identify both the specific media data file to be acquired and the delivery server to provide the information. A media voucher includes a unique voucher ID, a media ID that uniquely identifies the media data file, a delivery server address is the IP address and TCP port of a delivery server that will provide the media data file to the user's media player (Col. 8, Lines 19-42). As seen, by using the media voucher as *a single table of contents* with a unique voucher ID, a media ID, a delivery server address as *management information*, media ID and voucher ID is used to *manage* media files as *content information* either for purchasing or previewing *stored in* media information database 106, Master Media Files 120 as *at least two of said first, said second, and said third storage media*. Obviously, the delivery server address is used to *control access to* a particular delivery server as *second storage media* that has the specified media ID.

13. Claims 37, 39-40 and 44-52 depends directly or indirectly on claims 36 and 43 are rejected as discussed above.

14. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the teaching of Srinivasan, Omura, Wiser and Inoue is audio, video and file downloading. The technique of Kenner is storing and retrieving video data, and Parrish is to connect memory units that store shared information. An ordinary skill in the art can fix or modify the Srinivasan technique with the teaching of Omura, Wiser, Inoue, Kenner or Parrish with the purpose as set forth in the Office Action.

Claim Rejections - 35 USC § 112

15. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

16. Claims 30 and 36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding to claim 30, the claimed *transmit said addresses stored in said storage means to said distribution apparatus such that said communication means receives said content information associated with said addresses from said distribution address at any time* was not described in the specification.

Regarding to claim 36, the claimed *accounting setting means does not set said amount of said fee to be imposed on said terminal apparatus when said content ID is placed in said purchase information and said content information corresponding to said content ID stored in said second storage means is accessed by said access control means* was not described in the specification.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

18. Claims 1, 8-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan [USP 6,460,076 B1].

Regarding to claim 1, Srinivasan teaches a system for downloading and recording multimedia files over a data network. As shown in FIG. 1, in connection with the server 10 is a database 12 as *a second storage means for storing* music, video, and other data, which is to be downloaded over the worldwide web 14 as *a plurality of pieces of content information*. Connected to the user interface 18 is a media-recording device 20 as *a first storage means for storing a plurality of pieces of content information* (Srinivasan, Col. 3, line 40-Col. 4, line 21). The system user is provided with a web page, which includes a number of selections for downloading information. A request for downloading is established, and if accepted, the server will locate the data file in the database then begin the transmission using the file transfer protocol (Col. 5, lines 27-

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59). As seen, file transfer protocol for transmitting the data as discussed indicates a *communication means for interconnecting* the media recorder 20 as *said first storage means*, and the server as *said second storage means*, and the web browser as *said control means for communication*. Srinivasan further discloses the customer may be a member of a club sponsored by the service provider or just wants to record something for a fee by providing the appropriate credit card information. Access to the server will only be provided upon proper authentication or verification of credit card information (Col. 4, lines 24-29). Data for downloading also contain information related to the charges and the time it may take to record the data (Col. 4, lines 35-39). As seen, a fee imposed on a customer corresponds to the time for recording as capacity of use of the server indicates an *accounting setting means for setting an amount of a fee to be imposed on a predetermined user in accordance with a capacity of use of said second storage means by said user*. Srinivasan does not explicitly teach a *control means for accessing said content information stored in said first storage means and said second storage means based on a single set of management information for managing said content information stored in said first storage means and said second storage means*. However, in order to establish contact with the data network and the provider's website, a web browser is installed in the user interface at the client, and included a plugin specially designed to administer a number of the processes (Col. 4, Lines 40-50). To begin the process for recording a data file, a connection with the server 10 established. A session ID is generated and stored in the server against a member ID or credit card information for later billing (Col. 5, Lines 13-24). Once the driver software and the recording device are ready, a request is sent to

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download the desired data from the server by the plugin. This request may include session ID, type of user interface. If the request is accepted, the server will locate the data file in the database and then begin transmission over the Worldwide Web (Col. 5, Lines 46-59). Once the entire data file is downloaded and stored in the hard drive, the plugin will send a message to the recorder driver software to start the recording process. At this time, the temporary file in memory 34 will be uncompressed and unencrypted. The media recorder driver software will then be provided with the name of the hidden temporary file stored on the hard drive and the driver software will then transfer the contents of the hidden temporary file to the portable media (Col. 6, Lines 19-27). As seen, the plugin administers the process of downloading desired data by sending a request that has session ID to the server, and if the request is accepted, data file in the database will be located. The downloaded file is stored temporarily in memory 34, and the plugin will start the recording process by providing the name of the temporary file to media recorder driver software for recording into the portable media. In the process of accepting the request data includes session ID, obviously, session ID has to be checked against the generated session ID in the server. Thus, the plugin as a means for reading data from the server, and writing into the portable media based on a set of management information includes session ID, and the name of the temporary file for conducting the process of locating desired data in the server and recording into the portable media. In different words, the technique as discussed indicates a *control means for accessing said content information stored in said first storage means and said second storage means based on a single set of management information for managing said content*

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information stored in said first storage means and said second storage means. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Srinivasan system by including a control means for accessing information in order to remotely access and download information for recording through a data network.

Regarding to claim 8, Srinivasan teaches all the claimed subject matters as discussed in claim 1, Srinivasan does not explicitly discloses a *setting means for setting said capacity of use for said second storage means, wherein said accounting setting means sets said amount of said fee to be imposed on said user in accordance with said capacity of use of said user set by said setting means.* However, a capacity of use of the second storage means is an amount, or a number that relates to the usage of the storage means. As taught by Srinivasan, data for downloading also contain information related to the charges and the time it may take to record the data (Col. 4, lines 35-39). Obviously, more of requested data increase time of using the server for downloading, also the charge imposed on the user. Thus, the charge imposed on a user increases in accordance with a capacity of use of the server, or *an amount of a fee to be imposed on a user in accordance with a capacity of use of the second storage means by the user.* It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Srinivasan technique by increasing the amount of fee in accordance with a capacity of use in order to set up a charge on a user when downloading requested data.

Regarding to claim 9, Srinivasan teaches all the claimed subject matters as discussed in claim 8, Srinivasan further discloses *setting means adaptively sets said capacity of use used by said user based on said management information for managing said second storage means, and said accounting setting means sets said amount of said fee to be imposed on said user in accordance with said capacity of use of said user set by said setting means* (Col. 4, lines 35-39).

Regarding to claim 10, Srinivasan teaches all the claimed subject matters as discussed in claim 1, Srinivasan further discloses *accounting setting means stores said amount of said fee to be imposed on said user in accordance with said capacity of use of said second storage means by said user in a database for each said user in said second storage means* (Col. 4, lines 35-39).

Regarding to claim 11, Srinivasan teaches all the claimed subject matters as discussed in claim 10, Srinivasan further discloses *control means controls such that said imposed amount of said fee stored for each said user in said database and a user ID of said user are transmitted to an external settlement center* (FIG. 1, Credit Authorization).

Regarding to claim 12, Srinivasan teaches all the claimed subject matters as discussed in claim 1, and further discloses *authentication means for verifying access to said second storage means by said control means* (Srinivasan, Col. 4, lines 22-40).

Regarding to claim 14, Srinivasan teaches a method for downloading and recording multimedia files over a data network. As shown in FIG. 1, in connection with the server 10 is a database 12 as *a second storage means* for storing music, video, and other data, which is to be downloaded over the worldwide web 14. Connected to the user interface 18 is a media-recording device 20 as *a first storage means* (Srinivasan, Col. 3, line 40-Col. 4, line 21). Srinivasan further discloses the customer may be a member of a club sponsored by the service provider or just wants to record something for a fee by providing the appropriate credit card information. Access to the server will only be provided upon proper authentication or verification of credit card information (Col. 4, lines 24-29). Data for downloading also contain information related to the charges and the time it may take to record the data (Col. 4, lines 35-39). As seen, a fee imposed on a customer corresponds to the time for recording as capacity of use of the server indicates the step of *setting an amount of a fee to be imposed on a predetermined user in response to use of said first storage means or said second storage means in response to a capacity of use of said first storage means or said second storage means by said user*. Srinivasan does not explicitly teach the steps of *accessing content information stored in said first storage means and said second storage means based on a single set of management information for managing said content information in said first storage means and said second storage means*. However, in order to establish contact with the data network and the provider's website, a web browser is installed in the user interface at the client, and included a plugin specially designed to administer a number of the processes (Col. 4, Lines 40-50). To begin the process for recording a data file, a connection with the server

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10 established. A session ID is generated and stored in the server against a member ID or credit card information for later billing (Col. 5, Lines 13-24). Once the driver software and the recording device are ready, a request is sent to download the desired data from the server by the plugin. This request may include session ID, type of user interface. If the request is accepted, the server will locate the data file in the database and then begin transmission over the Worldwide Web (Col. 5, Lines 46-59). Once the entire data file is downloaded and stored in the hard drive, the plugin will send a message to the recorder driver software to start the recording process. At this time, the temporary file in memory 34 will be uncompressed and unencrypted. The media recorder driver software will then be provided with the name of the hidden temporary file stored on the hard drive and the driver software will then transfer the contents of the hidden temporary file to the portable media (Col. 6, Lines 19-27). As seen, the plugin administers the process of downloading desired data by sending a request that has session ID to the server, and if the request is accepted, data file in the database will be located. The downloaded file is stored temporarily in memory 34, and the plugin will start the recording process by providing the name of the temporary file to media recorder driver software for recording into the portable media. In the process of accepting the request data includes session ID, obviously, session ID has to be checked against the generated session ID in the server. Thus, the plugin as a means for reading data from the server, and writing into the portable media based on a set of management information includes session ID, and the name of the temporary file for conducting the process of locating desired data in the server and recording into the portable media. In different words, the technique as

discussed indicates the step of *accessing content information stored in said first storage means and said second storage means based on a single set of management information for managing said content information in said first storage means and said second storage means*.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Srinivasan system by including a control means for accessing information in order to remotely access and download information for recording through a data network.

19. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan [USP 6,460,076 B1] in view of Parrish et al. [USP 5,117,350].

Regarding to claim 2, Srinivasan teaches all the claimed subject matters as discussed in claim 1, but fails to disclose *control means accesses said content information stored at a predetermined physical address of each of said first storage means and said second storage means based on said single set of management information described with a logical address corresponding to said physical address*. Parrish teaches a distributed system, and further discloses *control means accesses said content information stored at a predetermined physical address of each of said first storage means and said second storage means based on said single set of management information described with a logical address corresponding to said physical address* (Parrish, Col. 4, line 50-Col. 5, line 25). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Srinivasan system by including the technique of accessing based on a

logical address corresponding to said physical address in order to differentiate downloading data files by their file names.

Regarding to claim 3, Srinivasan and Parrish teaches all the claimed subject matters as discussed in claim 2, Srinivasan further discloses a *selection means for selecting at least one of said plurality of pieces of content information stored in said second storage means, wherein said control means controls so that one or more of said plurality of pieces of content information selected by said selection means may be copied or moved from said second storage means to said first storage means through said communication means* (Srinivasan, Col. 4, line 41-Col. 5, line 59).

Regarding to claim 4, Srinivasan and Parrish teaches all the claimed subject matters as discussed in claim 3, Parrish further discloses *control means searches for a logical address of said management information corresponding to said one or more of said plurality of pieces of content information selected by said selection means, converts said logical address into a physical address of said second storage means and accesses said second storage means based o said physical address* (Parrish, Col. 8, line 58-Col. 9, line 14).

20. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan [USP 6,460,076 B1] in view of Parrish et al. [USP 5,117,350] and Omura et al. [USP 6,430,620 B1].

Regarding to claim 5, Srinivasan and Parrish teaches all the claimed subject matters as discussed in claim 3, Srinivasan further discloses an *erasure means for erasing one or more of said plurality of pieces of content information stored in said first storage means* when the file has not been successfully transferred, and *accounting setting means does not set said amount of said fee to be imposed on said user who has issued a request for said transfer* (Srinivasan, FIG. 3). However, if the file has not been successfully transferred, the process will be ended after deleting file from the memory. Omura teaches a system for locating and retransferring lost data comprises *contents ID form second storage means to first storage means* (Omura, FIG. 6 (c)-6(d), Col. 6 and Cols. 9-10). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Srinivasan and Parrish system by including the technique of retransferring of lost data as taught by Omura in order to compensate for the loss in case of occurrence of any data loss.

21. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan [USP 6,460,076 B1] in view of Parrish et al. [USP 5,117,350], Omura et al. [USP 6,430,620 B1] and Kenner et al. [USP 6,154,744].

Regarding to claim 6, Srinivasan and Parrish teaches all the claimed subject matters as discussed in claim 3, Srinivasan further discloses an *erasure means for erasing one or more of said plurality of pieces of content information stored in said first storage means* when the file has not been successfully transferred. However, if the file

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has not been successfully transferred, the process will be ended after deleting file from the memory (Srinivasan, FIG. 3). Srinivasan and Parrish fails to teach *a contents ID of the contents information erased by said erasure means is managed with the management information, when said content information corresponding to said contents ID is again transferred from said second storage means to said first storage means by said control means said accounting setting means sets a smaller amount of said fee to be imposed on said user who has issued a request for said transfer than a normal fee*. Omura teaches a system for locating and retransferring lost data comprises *a contents ID of the contents information is managed with the management information, contents information corresponding to said contents ID is again transferred form second storage means to first storage means* (Omura, FIG. 6 (c)-6(d), Col. 6 and Cols. 9-10). Kenner teaches a system for storing and retrieving video data at distributed sites. Kenner further discloses the system allowing discounts or credits to be issued if downloads are found to be difficult or slow (Kenner, Col. 16, lines 16-27). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Srinivasan and Parrish system by including the technique of retransferring contents information corresponding to contents ID and imposing on a user a smaller amount than a normal fee in order to compensate for the loss in case of occurrence of any data loss.

22. Claims 13, 15, 18 and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan [USP 6,460,076 B1] in view of Wiser et al. [USP 6,385,596 B1].

Regarding to claim 13, Srinivasan teaches all the claimed subject matters as discussed in claim 12, but fails to teach *second storage means stores a plurality of said user IDs, and said authentication means compares said user ID with which said second storage means is accessed and said plurality of said user IDs to authenticate said user who has accessed said second storage means*. Wiser teaches an online music distribution system, and further discloses *second storage means stores a plurality of said user IDs, and said authentication means compares said user ID with which said second storage means is accessed and said plurality of said user IDs to authenticate said user who has accessed said second storage means* (Wiser, Col. 11, lines 25-38 and Col. 14, lines 33-35). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Srinivasan system by including the technique of comparing user ID to authenticate a user in order to protect the downloaded information to avoid unauthorized copying.

Regarding to claim 15, Srinivasan teaches a system for downloading and recording multimedia files over a data network. As shown in FIG. 1, in connection with the server 10 is a database 12 as *a storage means for storing* music, video, and other data, which is to be downloaded over the worldwide web 14 as *a plurality of pieces of content information* (Srinivasan, Col. 3, line 40-Col. 4, line 21). The Srinivasan using FTP for transmitting files between the server and customer (Col. 5, lines 27-59) as a *communication means for connecting said distribution apparatus for communication to an*

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external apparatus. Srinivasan does not explicitly teach an *accounting setting means for setting an amount of a fee to be imposed on a user who requests use of said storage means from said external apparatus in response to a capacity of use of said storage means by said user; and control means for accessing said contents information stored in said storage means based on management information for managing said contents information stored in said storage means in response to a user request by a user from said external apparatus, wherein said control means produces management information for each said user in response to access to said content information in accordance with said user request and stores said produced management information into said storage means, said management information including at least an ID of said user stored in said storage means*. Srinivasan fails to teach the management information including *an address representative of a storage location of said content information*. However, as disclosed by Srinivasan, data for downloading also contain information related to the charges and the time it may take to record the data (Col. 4, lines 35-39). Obviously, more of requested data increase time of using the server for downloading, also the charge imposed on the user. Thus, the charge imposed on a user increases in accordance with a capacity of use of the server, or *an amount of a fee to be imposed on a user in accordance with a capacity of use of the second storage means by the user*. In order to establish contact with the data network and the provider's website, a web browser is installed in the user interface at the client, and included a plugin specially designed to administer a number of the processes (Col. 4, Lines 40-50). To begin the process for recording a data file, a connection with the server 10 established. A session ID is generated and stored in the server against a member ID or

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credit card information for later billing (Col. 5, Lines 13-24). Once the driver software and the recording device are ready, a request is sent to download the desired data from the server by the plugin. This request may include session ID, type of user interface. If the request is accepted, the server will locate the data file in the database and then begin transmission over the Worldwide Web (Col. 5, Lines 46-59). Once the entire data file is downloaded and stored in the hard drive, the plugin will send a message to the recorder driver software to start the recording process. At this time, the temporary file in memory 34 will be uncompressed and unencrypted. The media recorder driver software will then be provided with the name of the hidden temporary file stored on the hard drive and the driver software will then transfer the contents of the hidden temporary file to the portable media (Col. 6, Lines 19-27). As seen, to begin the process for recording a data file, a session ID is generated and stored in the server against a member ID as

producing management information for each said user in response to access to said content information in accordance with said user request and stores said produced management information into said storage means, said management information including at least an ID of said user. Srinivasan further discloses the process of downloading desired data is administered by the plugin, which sends a request that has session ID to the server. If the request is accepted, data file in the database will be located. The downloaded file is stored temporarily in memory 34, and the plugin will start the recording process by providing the name of the temporary file to media recorder driver software for recording into the portable media. In the process of accepting the request data includes session ID, obviously, session ID has to be checked against the generated session ID in the

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server. Thus, the plugin as a means for reading data from the server, and writing into the portable media based on a set of management information includes session ID, and the name of the temporary file for conducting the process of locating desired data in the server and recording into the portable media. In different words, the technique as discussed indicates the step of *accessing said content information stored in said storage means based on management information for managing said content information stored in said storage means in response to a user request by a user from said external apparatus.*

Wiser teaches a secure online music distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting of audio and other digital media over the Internet, and that provides for security of the media throughout the distribution system. Wiser further discloses a media voucher 300 includes a delivery server address 308 is the IP address and TCP port of a delivery server 118 that will provide the media data file 200 to the user's media player 116 and other information (Wiser, Col. 8, lines 27-41). The IP address and TCP port of a delivery server indicates *an address representative of a storage location of said content information.*

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Srinivasan system by using a control means for accessing information, and an accounting setting means for imposing a fee in accordance with a capacity of use, and including the address representative of a storage location in order to remotely access and download information for recording through a data network, to provide an automated billing process for charging customers

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who download information, and the necessary protections for the downloaded information to avoid unauthorized copying.

Regarding to claim 18, Srinivasan and Wiser teaches all the claimed subject matters as discussed in claim 15, Srinivasan further discloses *one or more of said plurality of pieces of said content information selected by said user by using said external apparatus may be copied or moved from said storage means to said external apparatus through said communication means* (Srinivasan, Col. 5, lines 13-59).

Regarding to claim 22, Srinivasan and Wiser teaches all the claimed subject matters as discussed in claim 15, Wiser further discloses *accounting setting means sets said amount of said fee to be imposed on said user in accordance with a capacity of use of said storage means by said user* (Srinivasan, Col. 4, lines 35-39).

Regarding to claim 23, Srinivasan and Wiser teaches all the claimed subject matters as discussed in claim 22, Srinivasan further discloses *setting means for setting said capacity of use for said storage means, wherein said accounting setting means sets said amount of said fee to be imposed on said user in accordance with said capacity of use of said user set by said setting means* (Srinivasan, Col. 4, lines 35-39).

Regarding to claim 24, Srinivasan and Wiser teaches all the claimed subject matters as discussed in claim 23, Srinivasan further discloses *setting means adaptively*

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sets said capacity of use used by said user based on said management information for managing said storage means, and said accounting setting means sets said amount of said fee to be imposed on said user in accordance with said capacity of use of said user set by said setting means (Srinivasan, Col. 4, lines 35-39).

Regarding to claim 25, Srinivasan and Wiser teaches all the claimed subject matters as discussed in claim 22, Srinivasan further discloses *accounting setting means stores said amount of said fee to be imposed on said user in accordance with said capacity of use of said storage means by said user in a database for each said user in said storage means* (Srinivasan, Col. 4, lines 35-39).

Regarding to claim 26, Srinivasan and Wiser teaches all the claimed subject matters as discussed in claim 25, Srinivasan further discloses *control means controls such than said imposed amount of said fee stored for each said user in said database and an ID of said user are transmitted to an external settlement center* (Srinivasan, Col. 4, lines 35-39).

Regarding to claim 27, Srinivasan and Wiser teaches all the claimed subject matters as discussed in claim 15, Wiser further discloses *authentication means for verifying an access to said storage means by said control means* (Wiser, Col. 13, line 64-Col. 14, line 12).

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Regarding to claim 28, Srinivasan and Wiser teaches all the claimed subject matters as discussed in claim 27, Wiser further discloses *storage means stores a plurality of user IDs, and said authentication means compares said user IDs with which said storage means is accessed and said plurality of user IDs to authenticate said user who has accessed said storage means* (Wiser, Col. 11, lines 25-38 and Col. 14, lines 33-35).

23. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan [USP 6,460,076 B1] in view of Wiser et al. [USP 6,385,596 B1] and Parrish et al. [USP 5,117,350].

Regarding to claim 17, Srinivasan and Wiser teaches all the claimed subject matters as discussed in claim 15 but fails to disclose *control means accesses said content information stored at a predetermined physical address of each of said first storage means and said second storage means based on said single set of management information described with a logical address corresponding to said physical address*. Parrish teaches a distributed system, and further discloses *control means accesses said content information stored at a predetermined physical address of each of said first storage means and said second storage means based on said single set of management information described with a logical address corresponding to said physical address* (Parrish, Col. 4, line 50-Col. 5, line 25). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Srinivasan/Wiser system by including the technique of

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accessing based on a logical address corresponding to said physical address in order to differentiate downloading data files by their file names.

Regarding to claim 19, Srinivasan and Wiser teaches all the claimed subject matters as discussed in claim 18, but fails to disclose *control means searches for a logical address of said management information corresponding to said one or more of said plurality of pieces of content information selected by said selection means, converts said logical address into a physical address of said second storage means and accesses said second storage means based on said physical address*. Parrish teaches a distributed system, and further discloses control means searches for a logical address of said management information corresponding to said one or more of said plurality of pieces of content information selected by said selection means, converts said logical address into a physical address of said second storage means and accesses said second storage means based o said physical address (Parrish, Col. 8, line 58-Col. 9, line 14). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Srinivasan/Wiser system by including the technique of converting a logical address to physical address in order to differentiate downloading data files by their file names.

24. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan [USP 6,460,076 B1] in view of Wiser et al. [USP 6,385,596 B1] and Omura et al. [USP 6,430,620 B1].

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Regarding to claim 20, Srinivasan and Wiser teaches all the claimed subject matters as discussed in claim 18, Srinivasan further discloses an *erasure means for erasing one or more of said plurality of pieces of content information stored in said first storage means* when the file has not been successfully transferred, and *accounting setting means does not set said amount of said fee to be imposed on said user who has issued a request for said transfer* (Srinivasan, FIG. 3). However, if the file has not been successfully transferred, the process will be ended after deleting file from the memory. Omura teaches a system for locating and retransferring lost data comprises *contents ID form second storage means to first storage means* (Omura, FIG. 6 (c)-6(d), Col. 6 and Cols. 9-10). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Srinivasan/Wiser system by including the technique of retransferring of lost data as taught by Omura in order to compensate for the loss in case of occurrence of any data loss.

25. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan [USP 6,460,076 B1] in view of Wiser et al. [USP 6,385,596 B1], Omura et al. [USP 6,430,620 B1], and Kenner et al. [USP 6,154,744].

Regarding to claim 21, Srinivasan, Wiser teaches all the claimed subject matters as discussed in claim 18, Srinivasan further discloses an erasure means for erasing one or more of said plurality of pieces of content information stored in said first storage means when the file has not been successfully transferred. However, if the file has not

been successfully transferred, the process will be ended after deleting file from the memory (Srinivasan, FIG. 3). Omura teaches a system for locating and retransferring lost data comprises a contents ID of the contents information is managed with the management information, contents information corresponding to said contents ID is again transferred from second storage means to first storage means (Omura, FIG. 6 (c)-6(d), Col. 6 and Cols. 9-10). Kenner teaches a system for storing and retrieving video data at distributed sites. Kenner further discloses the system allowing discounts or credits to be issued if downloads are found to be difficult or slow (Kenner, Col. 16, lines 16-27). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Srinivasan/Wiser system by including the technique of retransferring contents information corresponding to contents ID and imposing on a user a smaller amount than a normal fee as taught by Omura, and Kenner in order to compensate for the loss in case of occurrence of any data loss.

26. Claims 30 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. [USP 6,385,596 B1] in view of Parrish et al. [USP 5,117,350].

Regarding to claim 30, Wiser teaches a secure online music distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting of audio and other digital media over the Internet, and that provides for security of the media throughout the distribution system. As shown in

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FIG. 2 is a client system has two basic components, a media player and a web browser. The media player is the mechanism by which the consumer digitally records purchased media data files to a further external memory, such as a CD-Recordable, CD-RW, Mini-Disc, flash memory. The media player provides user interface controls for viewing lists of purchased and stored media data files as *a plurality of pieces of said content information* (Wiser, Col. 10, lines 1-13). In other word, media player is a *storage means for storing a plurality of pieces of said content information*. As shown in FIG. 8 is an example of web page for selecting a preview or purchase. Previewing begins with the user viewing a Web page in the Web browser that has a link to a preview of a desired media data file. The Web browser invokes the HTTP server with a request for a preview of a media data file when clicked (Wiser, Col. 14, lines 40-47). As seen, by using HTTP to communicate between the client system and the music distribution center, a web page contains a list of song titles as content IDs is received at the client system by utilizing the web browser. The user could select a song title for previewing or purchasing via the web browser. The request of previewing or purchasing is transmitted to the music distribution center by using a link to invoke the HTTP server for transferring the request. In other words, the technique of using HTTP as discussed indicates *a communication means for receiving a plurality of song titles as content IDs stored in and from the music distribution center as distribution apparatus, and transmitting a song title as at least one said content ID when selected to said distribution apparatus in response to a user request*, and the web page as in FIG. 8 as *selection means for selecting one content ID of said plurality of content IDs received by said communication means*. Returning to FIG. 8,

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by mouse clicking *Buy* box, a purchase request for a specific song is sent to the HTTP server. The button generates a URL including the media ID of the song to be purchased (Wiser, Col. 16, Lines 27-43). As seen, again HTTP is invoked to transmit said at least one content ID to music distribution center as *distribution apparatus in response to said user request*, and the *Buy* button, or *Click Here for Free Preview* button in FIG. 8 indicates a *control means for controlling said communication means to transmit said at least one content ID to said distribution apparatus in response to said user request*. As discussed above, if a purchase request for a specific song is sent to the HTTP server by clicking on a *Buy It* button. The button generates a URL including the media ID of the song to be purchased in the form: <https://web-server-addr/cgi-bin/purchase?mid=MID>, where web-server-addr is the hostname or IP address and TCP port of the HTTP/SSL server and MID is the media ID. The HTTP server forwards the purchase request data to a merchant server to initiate authorization for payment for the requested media data file. The merchant server generates a payment request form and transmits this form back to the HTTP server for display at the Web browser. The user completes the form, and may look like:

<https://web-server-addr/cgi-bin/ccinfo?cc=CCNO&exp=DATE&mid=MID>.

This data are then transmitted back to the HTTP server 122, which passes it to the merchant server (Wiser, Col. 16, Lines 27-65). In order to control the purchase or preview, the media voucher is an object is used. For each purchase or preview of a media data file 200, a new media voucher is created and provided to the media player of the user. The media voucher is used by the media player to identify both the specific

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media data file, and the delivery server to provide the information (Wiser, Col. 8, Lines 19-26). As seen, by using the *Buy It* button, the address corresponding to the content IDs received from music distribution center is stored at media player via a voucher, and it is again transmitted back to the music distribution center to identify the delivery server either buying or previewing. Thus, the *Buy It* button indicates the *control means storing addresses corresponding to said content IDs received from said distribution apparatus into said storage means, wherein said control means controls said communication means to transmit said addresses stored in said storage means to said distribution apparatus*. Wiser further discloses *communication means receives said content information associated with said addresses from said distribution address at any time said terminal apparatus requests said content information corresponding to said content ID from said distribution apparatus after storing said addresses received from said distribution apparatus into said storage means* (Wiser, Col. 16, Line 66-Col. 17, Line 52). As discussed above with respect to FIG. 8, by mouse clicking a *Buy* box or *Click Here for Free Preview*, HTTP is invoked to transmit said the content ID to music distribution center as said distribution apparatus in response to said user request as a *control means controls said communication means to transmit said content ID selected by said selection means to said distribution apparatus*. As discussed above with respect to *a distribution apparatus at which content information received in response to said user request by said communication means is stored into said storage means*. As shown in FIG. B, the music distribution center as distribution apparatus includes *a storage medium* (Master Media Files 120) for storing content information. Wiser does not explicitly teach the *control means stores a logical address*

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corresponding to a predetermined physical address of a storage medium. However, logical address or virtual address is the address that the application uses to reference memory. The memory management unit translates this address into a physical address before the memory is actually read or written to. Parrish teaches a distributed system, and further discloses *a logical address corresponding to a predetermined physical address of a storage medium* (Parrish, Col. 21, lines 9-12). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Wiser system by including the technique of converting a logical address corresponding to said physical address in order to enlarge the address space for storing instruction and data.

Regarding to claim 32, Wiser and Parrish teaches all the claimed subject matters as discussed in claim 30, Parrish further discloses but fails to disclose *logical address is included in a piece of management information which is used commonly by said distribution apparatus and said terminal apparatus* (Parrish, Col. 8, line 58-Col. 9, line 43).

Regarding to claim 33, Wiser and Parrish teaches all the claimed subject matters as discussed in claim 32, Parrish further discloses the technique of using logical and physical address (Parrish, FIG. 3). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Wiser and Parrish system by including the technique of extracting logical address corresponding to content ID in order to enlarge the address space for storing instruction and data.

27. Claims 36-37, 39-40, 43-46 and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. [USP 6,385,596 B1].

Regarding to claim 36, Wiser teaches a secure online music distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting of audio and other digital media over the Internet, and that provides for security of the media throughout the distribution system. As shown in FIG. 1 is a system for the secure distribution of music and related media over the Internet. The system includes a music distribution center 124 as *a distribution apparatus*, which operates with any number of client systems 126 as *a terminal apparatus*. The music distribution center 124 includes a content manager 112, which maintains a media information database 106, a master media file 120, and a transaction database 130. As shown in FIG. 2, is an illustration of a media data file. The media data files 200 as *a plurality of pieces of content information are stored in* the master media file 120 as *second storage means* (Col. 5, lines 43-65). FIG. 2 is a client system has two basic components, a media player and a web browser. The media player is the mechanism by which the consumer digitally records purchased media data files to a further external memory, such as a CD-Recordable, CD-RW, Mini-Disc, flash memory. The media player provides user interface controls for viewing lists of purchased and stored media data files as *a plurality of pieces of said content information* (Col. 10, lines 1-13). In other word, a client system as a terminal apparatus that has media player as a *first storage means for storing a plurality of pieces of said content information*. As disclosed by Wiser, the music

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distribution system 124 communicates with the various other components such as the client systems 126 over a public communication network, preferably the Internet, using conventional TCP-IP communication protocols for insecure channels, and a secure protocol over TCP, such as Netscape Communication Inc.'s Secure Sockets Layer v. 3 (SSL), and these communications indicate *communication means for interconnecting said terminal apparatus and said distribution apparatus* (Col. 5, line 43-Col. 7, line 16). As shown in FIG. 9a-b is the process of purchasing a media data file. By clicking the buy it button, the button generates a URL including the media ID of the song to be purchased. The HTTP server forwards the purchase request to merchant server. Payment information is collected by the merchant server and the media ID is sent to the content manager 112 for verifying the availability status of the request media file (Col. 16, line 26-Col. 17, line 5). The content manager generates a media voucher that includes the media ID (Col. 15, lines 19-23). The content manager updates the transaction database to include a new entry with the data from the voucher (Col. 17, lines 35-37). As seen, the transaction database is in the second storage means, the verified media ID, or the content ID stored in second storage means, is placed in the transaction database as purchase information manage for each terminal apparatus. In short, the technique as discussed indicates *storage control means for placing a content ID stored in said second storage means into purchase information managed for each said terminal apparatus and stored in said second storage means in response to a request from said terminal apparatus*. The media voucher includes a receipt token, which is returned in the media voucher to the media player for initiating download of the requested media data file from a delivery

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server (Col. 17, lines 22-31). A receipt token is a strong random number generated by the content manager 112 which is used to create a message authentication code (MAC) of the voucher ID and consumer certificate to bind the delivery of the media data to the purchase transaction. Preferably, the MAC is a keyed message authentication code as defined in Internet RFC 2104 (Col. 8, lines 32-41). As seen, the media voucher with a receipt token is access control means for controlling access to the media data file corresponding to media ID stored in storage means in response to a purchasing. In other words, the technique as discussed indicates *access control means for controlling access to said contents information corresponding to said content ID stored in said second storage means in response to said purchase information*. When a voucher packet is issued for a reservation, it is added to the list of pending purchases, which are not yet authorized for delivery. An electronic wallet is used to provide the payment data by generating a Web page with a "Wallet" button and a "Retrieve It" button. When the user clicks on the wallet button, an invoice indicating the amount of the purchase is returned, and displaying to the user a set of selections of different payment forms available to the user, such as electronic cash, check or specific credit card for selection. The consumer clicks a 'Pay' button to consummate the transaction (Col. 17, line 53-Col. 18, line 5). The authorization token is updated to reflect that the voucher packet has been authorized of purchase and download. This technique illustrates *accounting setting means for setting an amount of a fee to be imposed on said terminal apparatus in response to said purchase information*. Wiser does not explicitly teach *accounting setting means does not set said amount of said fee to be imposed on said terminal apparatus when said content ID*

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is placed in said purchase information and said content information corresponding to said content ID stored in said second storage means is accessed by said access control means.

However, as disclosed by Wiser, a media voucher is an object that is used to control the purchase and preview of media data files. For each purchase or preview of a media data file, a new media voucher is created by the content manager and provided to the media player of the user (Col. 8, Lines 19-23). A media voucher includes a unique voucher ID, and a media ID that uniquely identifies the media data file. The voucher ID limits the use of the media voucher to a single purchase or preview transaction (Col. 8, Lines 28-32). A delivery server is responsible for receiving requests from a media player to preview or purchase a media data file containing audio data, and to deliver the requested media data file or portion thereof as a preview by real time streaming of the content of the audio data for immediate playback at the media player (Col. 9, Lines 54-67). A purchase request for a specific song is sent to the HTTP server, for example by the user clicking on *Buy It* button (Col. 16, Lines 34-37) and payment is collected (Col. 16, Lines 4-60). As seen, the media ID as *content ID* is placed together with a voucher ID as *purchase information* in a voucher. During a preview, portion of media data file as *content information corresponding to said content ID stored in said second storage means* is accessed for delivering to media player, and obviously, because this is not a purchase, a charge to be imposed on the media player will not be set. In other words, the Wiser technique as discussed indicates *accounting setting means does not set said amount of said fee to be imposed on said terminal apparatus when said content ID is placed in said purchase information and said content information corresponding to said*

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content ID stored in said second storage means is accessed by said access control means.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Wiser system by including the technique of not setting an amount of a fee in order to download information for recording through a data network.

Regarding to claim 37, Wiser teaches all the claimed subject matters as discussed in claim 36, and further discloses: *access control means permits access to said content information corresponding to said content ID stored in said second storage means when said content ID is included in said purchase information* (FIG. 8).

Regarding to claim 39, Wiser teaches all the claimed subject matters as discussed in claim 36, Wiser further discloses: *storage control means stores access history information into said second storage means in response to access to said content information by said access control means, and said accounting setting means sets said amount of said tee to be imposed on said terminal apparatus based on said access history information* (Col. 16, line 26-Col. 18, lines 5).

Regarding to claim 40, Wiser teaches all the claimed subject matters as discussed in claim 36, Wiser further discloses: *distribution apparatus includes said storage control means* (FIG. 1B).

Regarding to claim 43, Wiser teaches a secure online music distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting of audio and other digital media over the Internet, and that provides for security of the media throughout the distribution system. As shown in FIG. 1 is a system for the secure distribution of music and related media over the Internet. The system includes a music distribution center 124, which operates with any number of client systems 126 as *a terminal apparatus*. The client system has media player for storing media data files onto a recordable CD (FIG. 1A, Col. 25, Lines 50-55) as *third storage medium for storing a plurality of pieces of content information*. The music distribution center 124 includes a content manager 112 as a *server apparatus*, which maintains master media files 120, and media information database 106 as *a first storage medium for storing a plurality of pieces of content information* (Col. 5, Lines 52-53 and Col. 10, Lines 55-58). Inside music distribution center 124 is delivery server 118 for delivering media data from Master Media Files 120 to user via media player (FIG. 1, Col. 9, Lines 54-56). If the delivery servers are outside the music distribution center, they operate independently and externally to a music distribution center 124, and interface with it to provide the same functionality as its local complementary components (Col. 5, Lines 60-65). As shown in FIG. 2 is an illustration of a media data file that stored in Master Media Files 120 (Col. 6, Lines 48-52). As seen, if a delivery server is an external server, it will have its own storage device for media data file as *second storage medium provided in said distribution terminal apparatus for storing said plurality of pieces of content information*. Wiser does not explicitly teach *a controller for*

controlling access to any of said first, said second, and said third storage media based on management information for managing said content information stored in at least two of said first, said second, and said third storage media with a single table of contents. However, in order to control the purchase and preview of media data files, a media voucher is used. For each purchase or preview of a media data file, a new media voucher is created by the content manager and provided to the media player of the user and used by the media player to identify both the specific media data file to be acquired and the delivery server to provide the information. A media voucher includes a unique voucher ID, a media ID that uniquely identifies the media data file, a delivery server address is the IP address and TCP port of a delivery server that will provide the media data file to the user's media player (Col. 8, Lines 19-42). As seen, by using the media voucher as *a single table of contents* with a unique voucher ID, a media ID, a delivery server address as *management information*, media ID and voucher ID is used to *manage* media files as *content information* either for purchasing or previewing *stored in* media information database 106, Master Media Files 120 as *at least two of said first, said second, and said third storage media*. Obviously, the delivery server address is used to *control access to* a particular delivery server as *second storage media* that has the specified media ID. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Wiser system by including the technique of controlling access in order to remotely access and download information for recording through a data network, and the necessary protections for the downloaded information to avoid unauthorized copying.

Regarding to claim 44, Wiser teaches all the claimed subject matters as discussed in claim 43, Wiser further discloses *management information includes first management information for managing said content information stored in said first storage medium and said second storage medium with a first table of contents, and second management information for managing said content information stored said second storage medium and said third storage medium with a second table of contents* (Media voucher and Col. 15, Lines 1-9).

Regarding to claim 45, Wiser teaches all the claimed subject matters as discussed in claim 43, Wiser further discloses *management information includes shared management information for managing said content information stored in said first, said second, and said third storage media with said table of contents* (Media voucher and Col. 15, Lines 1-9).

Regarding to claim 46, Wiser teaches all the claimed subject matters as discussed in claim 44, Wiser further discloses *first management information is stored in said storage means of at least one of said server apparatus and said distribution terminal apparatus, and said second management information is stored in said storage means of at least one of said distribution terminal apparatus and said terminal apparatus* (Col. 6, line 48-Col. 9, line 37).

Regarding to claim 49, Wiser teaches all the claimed subject matters as discussed in claim 43, Wiser further discloses *first storage medium is a hard disk and said third storage medium is a semiconductor memory* (Col. 6, lines 4-15 and Col. 11, lines 39-45).

Regarding to claim 50, Wiser teaches all the claimed subject matters as discussed in claim 43, Wiser further discloses *information is digital audio data* (abstract).

Regarding to claim 51, Wiser teaches all the claimed subject matters as discussed in claim 50, Wiser further discloses *digital audio data is compressed data* (Col. 7, lines 4-16).

28. Claims 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. [USP 6,385,596 B1] in view of Parrish et al. [USP 5,117,350].

Regarding to claim 47, Wiser teaches all the claimed subject matters as discussed in claim 43, but fails to disclose *controller accesses said content information stored at a predetermined physical address of each of said first and said second storage media based on said management information described with a logical address corresponding to said physical address*. Parrish teaches a distributed system, and further discloses *controller accesses said content information stored at a predetermined physical address of each of said*

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first and said second storage media based on said management information described with a logical address corresponding to said physical address (Parrish, Col. 4, line 50-Col. 5, line 25). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Wiser system by including the technique of accessing based on a logical address corresponding to said physical address in order to differentiate downloading data files by their file names.

Regarding to claim 48, Wiser teaches all the claimed subject matters as discussed in claim 47, Wiser further discloses *a selection section for selecting one or more of said plurality of pieces of content information stored in said first storage medium or said second storage medium in response to a user request to said terminal apparatus* (Wiser, FIG. 8), but fails to teach *controller searches for a logical address of said management information corresponding to said one or more of said plurality of pieces of content information selected by said selection section, converts said logical address into a physical address of said first storage medium or said second storage medium and accesses said first storage medium or said second storage medium based on said physical address*. Parrish teaches a distributed system, and further discloses *controller searches for a logical address of said management information corresponding to said one or more of said plurality of pieces of content information selected by said selection section, converts said logical address into a physical address of said first storage medium or said second storage medium and accesses said first storage medium or said second storage medium based on said physical address* (Parrish, Col. 8, line 58-Col. 9, line 14). Therefore, it would have been obvious

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for one of ordinary skill in the art at the time the invention was made to modify the Wiser system by including the technique of converting a logical address to physical address in order to differentiate downloading data files by their file names.

29. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. [USP 6,385,596 B1] in view of Inoue [USP 6,567,847 B1].

Regarding to claim 52, Wiser teaches all the claimed subject matters as discussed in claim 51, but fails to disclose *digital audio data is compressed in an ATRAC format*. Inoue teaches a transmitting and receiving system wherein a data file could be uploaded into a server or download and vice versa and the data is compressed in an ATRAC format (Inoue, Col. 7, line 54-Col. 8, line 6). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Wiser system by using ATRAC format when upload and download music in order to remotely access and download information for recording through a data network.

Conclusion

30. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q PHAM whose telephone number is 703-605-4242. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Hung Pham
March 24, 2004


SHAHID ALAM
PRIMARY EXAMINER